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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KAILANI JADE NUNEZ, an
individual,

Plaintiff,

v.

HERTZ LOCAL EDITION
CORPORATION, a Delaware
corporation,

Defendant.

Case No. CV 13-06325 DDP (MRWx)

**ORDER TO SHOW CAUSE RE: AMOUNT IN
CONTROVERSY**

Defendant is ordered to show cause why this action should not be remanded for lack of subject matter jurisdiction. Defendant removed this employment action to this court on the basis of diversity jurisdiction. It is not clear to the court that the amount in controversy in this matter exceeds \$75,000, as is required to establish diversity jurisdiction under 28 U.S.C. § 1332.

Plaintiff's complaint does not specify a particular amount of damages. Under such circumstances, Defendant bears the burden of establishing, by a preponderance of the evidence, that the amount

1 in controversy exceeds the jurisdictional minimum. Rodriguez v.
2 At&T Mobility Servs., LLC., - F.3d -, 2013 WL 4516757 at *6 (9th
3 Cir. Aug. 27, 2013). Defendant estimates, based upon Plaintiff's
4 prior earnings, that she will only claim approximately \$50,000, far
5 below the jurisdictional threshold. (Notice of Removal at 4.)
6 Defendant's assertion that emotional damages and punitive damages,
7 will exceed \$75,000 is entirely speculative.

8 Accordingly, Defendant is ordered to file a brief, not to
9 exceed ten pages, by Monday, October 21, 2013 showing a non-
10 speculative reason why this action should not be remanded for lack
11 of subject matter jurisdiction. Defendant shall also deliver a
12 courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring
13 Street, Los Angeles. Failure to file a brief in accordance with
14 this Order will be deemed consent to remand of this action.

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16 IT IS SO ORDERED.

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19 Dated: October 11, 2013


DEAN D. PREGERSON
United States District Judge